

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
	)	
Interpretation of the Terms “Multichannel	)	MB Docket No. 12-83
Video Programming Distributor” and	)	
“Channel” as Raised in Pending	)	
Program Access Complaint Proceeding	)	
	)	

**REPLY COMMENTS OF CHRISTOPHER THORPE.**

Christopher Thorpe submits these reply comments in response to the Federal Communications Commission’s Public Notice seeking comment on Interpretation of the Terms “Multichannel Video Programming Distributor” and “Channel” as Raised in Pending Program Access Complaint Proceeding.

Dr. Thorpe is a serial entrepreneur who advises and works with a number of nascent Internet technology companies and wishes to better advise current or potential clients who may face issues relevant to the aforementioned proceeding.

Dr. Thorpe focuses his remarks on Paragraph 9 of the Public Notice, which seeks comments on “what type of arrangement would suffice” to classify an entity as a “multichannel video programming distributor” (“MVPD”) if “the Commission interprets the terms ‘channel’ and ‘MVPD’ to require an entity to make available for purchase both a transmission path and content.” Public Notice ¶ 9. The Commission states that a video programming distributor may be classified as an MVPD, even if it must rely on a third-

party's distribution facilities. *Id.* The Commission seeks comment on the possible arrangements, identifying arrangements such as joint marketing arrangements or joint ventures, or whether common ownership or controlling interest would be necessary for such an entity to be classified as an MVPD. *Id.* In short, the Commission seeks to resolve the issue of what scenarios and arrangements lead to a video programming distributor being classified as an MVPD when it uses a third-party's facilities to distribute its video programming to its subscribers.

Dr. Thorpe urges the Commission to fully resolve the issues identified in Paragraph 9 of the Public Notice related to the regulatory consequences of the arrangements between video distributors and facilities owners. The Commission should be clear on the types of contractual or other arrangements between video programming distributors and facilities owners that would result in the classification of a video programming distributor as an MVPD. The Commission should address all of the scenarios involving contractual or other arrangements and clarify the regulatory consequences of each scenario. By doing so, the Commission will provide clarity to video programming distributors that must contract or enter other arrangements with facilities owners to distribute their video content to their subscribers. These video programming distributors will not face an uncertain regulatory environment, and will understand whether they have the benefits and burdens of classification as an MVPD, or if they are not an MVPD. *See* Public Notice ¶ 2. The Commission should clarify these issues to encourage the development of new video

programming distribution methods and to provide certainty in the regulatory status of video programming distributors who do not own distribution facilities. Regulatory certainty will support the marketplace for video programming distributors, benefit consumers, and should be a goal of the Commission.

Dated: June 13, 2012

Respectfully submitted,

s/ Christopher A. Thorpe /  
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*See Public Notice, Media Bureau Seeks Comment on Interpretation of the Terms “Multichannel Video Programming Distributor” and “Channel” as Raised in Pending Program Access Complaint Proceeding, MB Docket No. 12-83, DA 12-507 (March 30, 2012) (“Public Notices”).*